

*U.S. Patent Application No. 09/893,910, Examiner Quynh Nguyen
Request for Reconsideration In Response to the June 29, 2005 Office Action*

REQUEST FOR RECONSIDERATION

In response to the Office Action mailed on June 29, 2005 (the "Office Action"), Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that all pending claims (1-36) are in condition for allowance.

The United States Patent and Trademark Office (the "Office") rejected claims 1, 4, 6-12, and 14-20 under 35 U.S.C. § 102(b) as being anticipated by *Foladore et al.* (U.S. Patent No. 6,049,602), rejected claims 2-3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over *Foladore*, and rejected claims 13 and 21-36 under 35 U.S.C. § 103(a) as being unpatentable over *Foladore* in view of *Greenberg* (U.S. Patent No. 6,791,974). The Assignee shows, however, that the pending claims (claims 1-36) are not fully disclosed in the cited references nor are the pending claims anticipated, nor obviated, by the cited references. Thus, the Assignee respectfully submits that the pending claims are ready for allowance and requests reconsideration pursuant to 37 CFR §1.116. *See also*, MPEP §§ 714.12 and 714.13.

§102 Rejection:

The Office rejected claims 1, 4, 6-12, and 14-20 under 35 U.S.C. § 102(b) as being anticipated by *Foladore*. A claim is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the reference to *Foladore* fails to include every element of the pending claims. The reference to *Foladore*, then, does not anticipate this invention, and Assignee respectfully requests that Examiner Nguyen remove the 35 U.S.C. § 102 (a) rejection.

Foladore does not anticipate the claimed subject matter. Independent claims 1 and 12 disclose a system and method for viewing contents of a source computer via a display device

associated with a telephone line or equipment associated with a party of a telephone call.

Claims 1 and 12 are reproduced below:

[c01] A system for viewing contents of a source computer via a computer network comprising:
 a telephone line in communication with a telephone network;
 a display device associated with the telephone line; and
 a communication link between the display device and the computer network,

wherein when a triggering event associated with the telephone line is detected, contents of the source computer are displayed on the display device during a data session via the communication link.

[c11] A method for enabling a party of a telephone call to view contents of a source computer via a computer network comprising the steps of:
 associating a telephone number of a telephone line with a network address of the source computer;
 storing a result of the associating step in a memory accessible to an equipment associated with the party, wherein the equipment is associated with a display device;
 detecting a triggering event on the telephone line;
 retrieving the network address from the memory;
 establishing a data session on a communication link between the display device and the source computer; and
 displaying contents of the source computer on the display device during the data session.

U.S. Patent Application No. 09/893,910, claim 1 (emphasis added by Assignee).

The USPTO rejected claims 1 and 12 asserting:

Regarding claim 1, Foladare et al. teach the steps of: a telephone line (Fig. 1, 16) in communication with a telephone network (Fig. 1, PSTN 40); a display device associated with the telephone line (Fig. 1, 14); a communication link between the display and the computer network (Fig. 1, communication link 18 between display 14 and data network 28), wherein when a triggering event associated with the telephone line is detected (col. 2, lines 16-21 and col. 4, lines 58-60), contents of the source computer (merchant server 52) are displayed on the display device (computer 62) during a data session via the communications link (col. 4, lines 58-67).

Claim 11 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Foladore et al. teach a network address of the source computer (col. 2, lines 54-56 and col. 4, lines 64-67 – e.g., Telnet).

Office Action, pp. 2-3 (emphasis added by Assignee).

The USPTO primarily relies on FIG. 1 of *Foladore* to allege that the claimed subject matter of Assignee's invention is anticipated. If the USPTO uses FIG. 1, then this drawing must "clearly show the structure which is claimed." *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928). Here, the USPTO asserts that a display device 14 is associated with telephone line 16 and communicates via communications link 18 with a source computer 52. The USPTO then further asserts that the display to a second computer 62 via a separate communications link 66 anticipates the claimed invention. *However, the second computer 62 is NOT associated with telephone line 14. And, the communications link 66 is COMPLETELY SEPARATE AND UNRELATED to the communications link 18 between the display device 14 and communications network 28.* Consequently, *Foladore* fails to even remotely describe or suggest the claimed subject matter.

Furthermore, the *Foladore* passages cited in the Office Action as well as other *Foladore* passages do not even remotely disclose, teach, and/or otherwise suggest the claimed subject matter. Rather, *Foladore* discloses:

A data communications link is established over a data network between the call control server and the CSR station computer. The call control server sends a call control page (e.g., a Web page or a Telnet page) to the station computer. The call control page includes one or more selectable call control commands (e.g., hold, transfer, terminate, conference) and telephone digits. The CSR can actuate or click on one or more of the call control commands to remotely control incoming telephone calls via the data network. A signal corresponding to the actuated command is sent from the station computer to the switch via the call control server to control the call. In this manner, a data network can be employed to provide remote call center functionality to the CSR without the necessity of expensive digital telephone equipment and digital telephone lines. In addition, a merchant server can provide a merchant application page to the station computer to allow the CSR to process the received call.

The call control page includes a set of clickable commands and phone digits which allow the CSR to issue commands to call control server 44. Once the call control commands are received at call control server 44, call control server 44 can then control switch 32 to control the call based on the call control commands (e.g., transfer the call, place the call on hold, conference in a specified party). The merchant application (e.g., merchant product order form) can be provided from merchant server 52 to computer 62 as one or more pages (e.g., Telnet or Web pages, or the like).

U.S. Patent No. 6,049,602 to Foladore, col. 2, lines 10-27 and col. 4, lines 58-67 (emphasis added by Assignee to passages cited by USPTO for anticipation allegation).

Moreover, *Foladore* does not disclose, teach, and/or otherwise suggest that source computer 52 displays any contents to display device 14. Nor does *Foladore* disclose, teach, or otherwise suggest that communications link 66 pushes the "content" to display device 14 associated with telephone line 16. In fact, *Foladore* discloses that display device 60 is part of a completely different and separate customer server representative (CSR) station 60 and that display device 14 is part of a completely different and separate customer station 10. CSR station 60 includes separate and distinct communications links 66, 68 than customer station 10 (i.e., communications links 16 and 18). *Id.*, (FIGS. 1 and 3, col. 2, lines 42-65).

Still further, in regards to claim 11, the USPTO alleges that "[c]laim 11 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore Foladore et al. teach a network address of the source computer." *Office Action*, p. 3. However, independent method claim 11 claims a method for enabling a party of a telephone call to view contents of a source computer via a computer network that includes: associating a telephone number of a telephone line with a network address of the source computer, storing a result of the associating step in a memory accessible to an equipment associated with the party, wherein the equipment is associated with a display device; detecting a triggering event on the telephone line; retrieving the network address from the memory; establishing a data session on a communication link between the display device and the source computer; and displaying contents of the source computer on the display device during the data session. See, U.S. Patent Application No. 09/893,910, claim 11. And, the USPTO fails to address how each and every element of claim 11 is found in *Foladore*. For example, the USPTO does not mention or otherwise suggest that

Foladore teaches "a memory accessible to an equipment associated with the party, wherein the equipment is associated with a display device [*i.e.*, asserted display device 14 of FIG. 1]."

For these reasons and others, *Foladore* does not disclose, teach, and/or otherwise suggest the claimed subject matter of independent claims 1 and/or 11. Assignee respectfully requests the Examiner to remove the rejection of independent claims 1 and 11 and of corresponding dependent claims 4, 6-12, and 14-20. The Assignee, then, respectfully requests allowance of these claims.

§103 Rejections:

The Office rejected claims 2-3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over *Foladore* and rejected claims 13 and 21-36 under 35 U.S.C. § 103(a) as being unpatentable over *Foladore* in view of Greenberg (U.S. Patent No. 6,791,974). If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the combination of *Foladore* and/or *Greenberg* again wholly fails to teach, describe, and/or suggest the claimed subject matter. The Assignee, then, respectfully requests allowance of claims 2-3, 5, 13, and 21-36.

In regards to dependent claims 2-3 and 5, the USPTO relies on the assertion that *Foladore* anticipates independent claim 1. See, Office Action, p. 4. However, as previously discussed the second computer 62 is NOT associated with telephone line 14. And, the communications link 66 is COMPLETELY SEPARATE AND UNRELATED to the communications link 18 between the display device 14 and communications network 28. Consequently, *Foladore* fails to even remotely teach, describe, and/or suggest the claimed subject

matter. *See, U.S. Patent No. 6,049,602* to Foladore, col. 2, lines 10-27 and col. 4, lines 58-67 (emphasis added by Assignee to passages cited by USPTO for anticipation allegation).

Moreover, *Foladore* does not disclose, teach, and/or otherwise suggest that source computer 52 displays any contents to display device 14. Nor does *Foladore* disclose, teach, or otherwise suggest that communications link 66 pushes the "content" to display device 14 associated with telephone line 16. In fact, *Foladore* discloses that display device 60 is part of a completely different and separate customer server representative (CSR) station 60 and that display device 14 is part of a completely different and separate customer station 10. CSR station 60 includes separate and distinct communications links 66, 68 than customer station 10 (*i.e.*, communications links 16 and 18). *Id.*, (FIGS. 1 and 3, col. 2, lines 42-65).

In regards to claims 13 and 21-36, the USPTO relies on the assertion that *Foladore* anticipates independent claim 1. *See, Office Action*, p. 5. However, as previously discussed *the second computer 62 is NOT associated with telephone line 14. And, the communications link 66 is COMPLETELY SEPARATE AND UNRELATED to the communications link 18 between the display device 14 and communications network 28.* As previously discussed, *Foladore* does not disclose, teach, and/or otherwise suggest that source computer 52 displays any contents to display device 14. Nor does *Foladore* disclose, teach, or otherwise suggest that communications link 66 pushes the "content" to display device 14 associated with telephone line 16. In fact, *Foladore* discloses that display device 60 is part of a completely different and separate customer server representative (CSR) station 60 and that display device 14 is part of a completely different and separate customer station 10. CSR station 60 includes separate and distinct communications links 66, 68 than customer station 10 (*i.e.*, communications links 16 and 18). *Id.*, (FIGS. 1 and 3, col. 2, lines 42-65). Consequently, *Foladore* fails to even remotely teach, describe, and/or suggest the claimed subject matter of Assignee's invention. *See, U.S. Patent No. 6,049,602* to Foladore, col. 2, lines 10-27 and col. 4, lines 58-67 (emphasis added by Assignee to passages cited by USPTO for anticipation allegation). And, the other cited reference, *Greenberg*, in combination with *Foladore* cannot cure these deficiencies. *See, U.S. Patent No. 6,791,974.*

Still further, in regards to claim 13 and 36, these claims depend upon independent method claim 11 which claims a method for enabling a party of a telephone call to view contents of a source computer via a computer network that includes: associating a telephone number of a telephone line with a network address of the source computer, storing a result of the associating step in a memory accessible to an equipment associated with the party, wherein the equipment is associated with a display device; detecting a triggering event on the telephone line; retrieving the network address from the memory; establishing a data session on a communication link between the display device and the source computer; and displaying contents of the source computer on the display device during the data session. See, U.S. Patent Application No. 09/893,910, claim 11. And, the USPTO fails to address how all the claimed limitations of independent claim 11, and respective, dependent claims 13 and 36, are taught and/or suggested is found in cited art. For example, the USPTO does not mention or otherwise suggest that the combination of *Foladore* and *Greenberg* teach “a memory accessible to an equipment associated with the party, wherein the equipment is associated with a display device [i.e., asserted display device 14 of FIG. 1].”

And, in regards to independent claim 21 and corresponding dependent claims 22-35, these claims are directed towards a system for enabling a user to view contents of a source computer via a computer network that includes a voice and data communications address associated with the user; an equipment device associated with the equipment, wherein when an attempt is being made to establish a voice session using a voice communications link of the voice and data communications address, the equipment obtains a dialed communications address associated with the attempt, uses the dialed communications address to retrieve a network address of the source computer, and establishes a data session with the source computer using a data communications link of the voice and data communications address, and wherein contents of the source computer is displayed on the display device during the data session. See, U.S. Patent Application No. 09/893,910, claim 21. And, the USPTO fails to address how all the claimed limitations of independent claim 21, and respective, dependent claims 22-35, are taught and/or suggested is found in cited art. For example, the USPTO does not mention or otherwise suggest that the combination of *Foladore* and *Greenberg* teach that “when an attempt is being made to establish a voice session using a voice communications link of the voice and data

communications address, the equipment obtains a dialed communications address associated with the attempt, uses the dialed communications address to retrieve a network address of the source computer, and establishes a data session with the source computer using a data communications link of the voice and data communications address.”

For these reasons and others, *Foladore* and the combination of *Foladore* and *Greenberg* do not disclose, teach, and/or otherwise suggest the claimed subject matter of independent claims 1, 11, 21, and 29. Assignee respectfully requests the Examiner to remove the rejections of claims 2-3, 5, 13, and 21-36. The Assignee, then, respectfully requests allowance of these claims.

CONCLUSION

In regards to claims 1-36, Assignee respectfully asserts that the USPTO fails to satisfy MPEP §§ 2131 and 2143. The USPTO fails to suggest, identify, and/or otherwise explain that 1) *each and every element is taught by Foladore and/or that 2) all the claimed limitations are taught or suggested by Foladore and/or Greenberg.. See Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* MPEP §§ 2131 and 2143. These rejections, then, are improper and must be withdrawn. *See also*, MPEP § 706.02. Furthermore, maintaining these rejections is a violation of due process. If the Office wishes to factually support this rejection, then another office action is required. This other office action must follow the requirements of MPEP §§ 2131 and 2143. Further, this other office action also cannot maintain the rejection — this other office action may ONLY properly present the reasons for the rejection. Further, once the Office properly follows MPEP §§ 2131 and 2143 and properly supports a rejection, the Assignee must be given another opportunity to rebut the rejection. Any other action is a violation of due process.

In conclusion, all of the rejections have been overcome. Further, the cited art fails to teach, disclose, and/or suggest claims 1-36. Because the cited art fails to teach or suggest the claimed invention, these claims would not have been anticipated nor would they have been obviated to one of ordinary skill in the art. The Assignee, then, respectfully asks Examiner Nguyen to remove the rejections and to allow the pending claims (1-36).

AUTHORIZATION FOR PAYMENT OF FEES

If there are any other fees due in connection with the filing of this response, please charge the fees to the credit card on file. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the credit card on file.

If the Office has any questions, the Office is invited to contact the undersigned at (757) 253-5729 or bambi@wzpatents.com.

Respectfully submitted,



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